

*Commissioners*

**MARISEL A. HERNANDEZ**, *Chair*  
**WILLIAM J. KRESSE**, *Commissioner/Secretary*  
**JONATHAN T. SWAIN**, *Commissioner*  
**LANCE GOUGH**, *Executive Director*



Board of Election Commissioners for the City of Chicago  
Minutes of the  
Reorganizational Meeting and Regular Board Meeting  
May 14, 2019, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman  
William J. Kresse, Commissioner/Secretary  
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director  
Charles Holiday, Assistant Executive Director  
Adam W. Lasker, General Counsel  
James P. Allen, Communications Director  
Joan Agnew, Deputy Counsel  
Peter Peso, Deputy Chief Administrative Officer  
LaCretia Dandridge, Manager Human Resources  
Bill Perez, Coordinator Hispanic Outreach  
Audra Lewicki, Manager Community Services Division  
Clinton Hurde, Manager Pre-Election Voting & Logistics Division  
Matthew Lin, IT Manager  
Sarita Villarreal, Consultant  
Gary Ryczyn, Consultant  
David Caudle, Videographer  
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)  
C. Betty Magness, Rainbow PUSH Coalition  
Judd Ryan, ES&S  
Rose Joshua, NAACP Chicago Southside  
Charles Dayton, City Bureau

- I. Call to Order: The Chair called the meeting to order at 9:33 a.m.
- II. Roll Call: all present
- III. Consideration of Agenda: The agenda was accepted as presented
- IV. Reorganization:

A. Election of Chairperson: Commissioner Swain moved to elect Marisel A. Hernandez as Chair, Commissioner Kresse seconded the motion. The motion was approved and Marisel A. Hernandez was elected Chair of the Board by unanimous vote of the Board.

B. Election of Secretary: Chair Hernandez nominated William J. Kresse as Secretary. Commissioner Swain seconded the nomination. William J. Kresse was elected Secretary of the Board by unanimous vote of the Board.

C. Adoption of By Laws: General Counsel Adam Lasker explained that the By-Laws are the same as those last adopted by the Board with the exception of the date and references to "Chairwoman" were changed to "Chair" in compliance with the Statute that took affect earlier this year. Commissioner Kresse moved to adopt the By-Laws as presented. Commissioner Swain seconded the motion. The motion passed and the By-Laws were adopted by 3:0 vote of the Board.

V. Approval of Minutes:

A. Minutes of the Regular Board Meeting of March 13, 2019: Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of March 13, 2019. Commissioner Kresse seconded the motion. The motion passed and the Minutes were approved by a 3:0 vote of the Board.

VI. Executive Director's Report

Executive Director Lance Gough reported as follows:

- The Board is going to be very busy over the next year
  - New equipment – we will be conducting our ongoing evaluation of voting equipment
  - We had a meeting with representatives of the U.S. Department of Justice (DoJ), Chicago Department of Fleet and Facility Management (2FM), the Chicago Park District and Chicago Public Schools (CPS) yesterday regarding the ADA compliance surveys of property that we use, or may use, as polling places. The different agencies will have their staff conduct the surveys. The Park District will prepare the surveys for each of the park district properties, CPS will survey schools and 2FM will survey the other City departments' properties, and our staff will survey privately owned properties.
    - The DoJ agree that we will not meet the original deadline for full compliance, but that we are moving in a positive direction. We are working on a new 2022 agreement with DoJ.
    - Training sessions for the individuals who will be doing surveys have been scheduled through the month of June. The training will include how to do measurements and how to complete surveys through the use of smart-phones. Our employees training will be the week of June 10<sup>th</sup>, CPS the week of the 17<sup>th</sup>, Parks and 2FM will begin on the 24<sup>th</sup>.
    - Equip For Equality developed the survey tool.

- General Counsel Lasker thanked CPS, Park District and the City of Chicago. All three entities care a lot about the project, they understand the financial constraints we have, and are being very helpful in this project.
- Our preliminary budget for Cook County is due next Friday. Copies will be sent to the Commissioners for their review. In the budget we discuss increasing rates of pay for Judges of Elections to match with the increases in the minimum wage. We are working with Cook County Clerk Yarbrough as they are facing the same situation and hopefully we will have this ready for the 2020 elections.
- We have several contracts to renew.
- We need to look at warehouse space. There are discussions that part of the warehouse that we are using will be converted to a hotel, so we need to find new space. Though it is up to the City to find us space, we have been looking at a few options. It is up to the City to pay for and find us space per the Election Code.
- Commissioner Swain asked if we know when our budget for the City of Chicago is due. Mr. Gough said that we have not yet heard when it will be due. The City is waiting for a new budget director.
- Commissioner Swain reminded Mr. Lasker that he would like to find out how we can get Continuing Legal Education (CLE) credit for lawyers who serve as Judges of Election.

A. Assistant Executive Director Charles Holiday reported as follows:

- Registration is scanning the paper applications for ballots.
- Staff from other Board departments are helping to verify and attach the applications to the voters records
- He is working with Christopher Tomecek, Manager of the Districts and Boundaries Department, to reduce the number of precincts. The target reduction is at least 500 precincts citywide; this will result in cost savings. By Friday we should have reviewed all 50 wards. We are beginning with combination precincts [precincts that share polling places] and reviewing the numbers of in-precinct voting within those precincts over the last 6 elections.
- After we have drafted the proposed new precinct lines, we will provide maps showing old and proposed lines and discuss with each Alderman and Committeeperson. Others who are working on this project are Mr. Holiday's Assistant Cassandra Molina and the Districts and Boundaries staff.
- Mr. Lasker pointed out that we have been pushing for Voting Center legislation, but it does not look like it will make it into the omnibus bill this session.
- We have reviewed applications for hiring a new Purchasing Agent. We had several applicants, but many had little or no experience in procurement. We have narrowed the list to 3 and will begin interviews on Thursday. We did post this job for external hire.

- Mr. Holiday is working with managers and staff to see what their needs are as they clean up from the last election and prepare for 2020.
- B. Communications Director Jim Allen reported as follows:
  - Mr. Allen is working with IT Department Manager, Matthew Lin, and the Board's current vendor on the Board's website migration project. The current vendor wants to continue with us in the security part, but not hosting the website. Mr. Allen indicated that this matter may not have to come before the Board because the pricing may be so low that it would only require the Executive Director's authorization.
  - We are working on altering our canvass mailing so to allow us to securely gather more email addresses. Specifically, we are working on a system where voters may go to a section of the Board's website and use a code provided on the canvass mailing to securely add their email address to the voter's record. Mr. Allen needs Mr. Lasker to review.
    - We will have two mailings, both quad-lingual. One will include a concealed code that the voter can use to add his/her email address on the website.

VII. Old Business

- A. Infrastructure Projects and Changes in Election Administration: These items were mentioned above.
- B. Electronic Poll Books: Judd Ryan of ES&S reported that ES&S continues to meet with Board staff to discuss improvements for the next version of the E-poll books.
- C. Voting Equipment: ongoing evaluation.
- D. Legislation
  - General Counsel Adam Lasker reported as follows:
  - As previously mentioned, the Voting Centers will probably not make it onto the omnibus bill. Other items from our legislative wish list include relief on Early Voting. and relief on scheduling a municipal runoff election.
  - Mr. Lasker reported that he had attended the Association of Election Commissions of Illinois (AECOI) where he heard a report from the Illinois State Board of Elections' (ISBE) Angela Ryan. The ISBE is tracking the same bills we are. The bills are stuck in committee and would probably fall into an omnibus bill which should come out soon.
  - Commissioner Kresse inquired of the status of pre-trial detainee voting legislation. Mr. Lasker stated that the bill is still pending and would only apply to Cook County.
  - The current legislation session ends May 31st. If we submit any legislation, it will probably have to go to the fall session.

VIII. New Business

A. Judges of Election Post Hearing Removal - Desiree L. Morris

Legal Counsel Joan Agnew presented the case to the Board.

Desiree L. Morris was assigned to Ward 7, Precinct 9. Ms. Morris was removed as Judge of Election on February 26<sup>th</sup> for belligerent behavior.

All due process was provided. We served Ms. Morris with notice, she filed for reconsideration. A Hearing Officer was assigned, transcripts were prepared. Ms. Morris was notified that she could call witnesses or provide evidence in this matter. Poll workers and poll watchers appeared and gave testimony.

Following the hearing the Hearing Officer submitted her report recommending that the Board sustain its original Order of removal.

Commissioner Kresse moved to adopt the Hearing Officer's report and sustain the removal of Desiree L. Morris as Judge of Election. Commissioner Swain seconded the motion. The Hearing Officer's report was adopted and the removal of Desiree L. Morris as Judge of Election was sustained by unanimous vote of the Board.

B. Attorney Contractor Agreement between Board of Election Commissioners for the City of Chicago and Joan T. Agnew, Attorney at Law

The Chair stated that Ms. Agnew has provided legal services to the Board for many years. There is no changes to the provisions of the contract other than the dates.

Commissioner Swain moved to approve an Attorney Contractor Agreement between the Board of Election Commissioners for the City of Chicago and Joan T. Agnew, Attorney at Law, for legal services. The term of the agreement beginning June 1, 2019 through May 31, 2020 at a rate of \$250 per hour and any necessary expenses. Commissioner Kresse seconded the motion. The motion was passed by 3:0 vote of the Board.

The Chair thanked Ms. Agnew for everything that she does for the Board and thanked her for keeping the Board as a client.

C. Approval of a contract with Dykema Gossett PLLC for outside legal counsel for purposes of advising, counseling and representation in areas where the Board needs additional and/or specialized expertise in employment law and other litigation matters.

Mr. Lasker explained that part of the agreement is for existing litigation, that portion of the agreement's term would be extended to the completion of litigation at trial level. The other portion, which is much needed, as the Board is reviewing and reorganizing will be from May 14, 2019 through May 13, 2020. If

the Board wishes to further discuss the litigation, it could do so in Executive Session as pending litigation.

The lead counsel will be Mr. Abad Lopez, he and any others who will be assigned under this agreement will be minority counsel.

Commissioner Kresse moved to approve the contract with Dykema Gossett PLLC. Commissioner Swain seconded the motion. The motion was approved by unanimous vote of the Board.

IX. Legal Report

General Counsel Adam Lasker reported as follows:

- At the AECOI event Mr. Lasker attended last week in Bloomington he heard that Danville had a 1 precinct recount.
- Another legislation update: the ISBE is advocating is to get statutes in line with the ADA. We are currently the state's experts because of our agreement with the DOJ
- There is only one election contest pending –in Ward 5
- There were 3 wards involved in Discovery: Ward 33 (13-vote spread – the incumbent conceded). Ward 46 had a 25-vote spread, and the challenger conceded after discovery recount. The Ward 5 recount only showed a one-vote change out of 179. We are still waiting to see the amended complaint.
- General Counsel Lasker stated that he would like to speak with the Board during executive session regarding some investigations.

X. Financial Report: none.

XI. Public Comment: none.

XII. Executive Session for the purpose of discussing pending litigation under Sections 2(c)11 and 2(c)14 of the Open Meetings Act: Commissioner Swain moved to enter into closed executive session. Commissioner Kresse seconded the motion. The Board voted 3:0 to pass the motion.

The Board entered into executive session at 10:07 a.m.

The Board returned to open session at 10:40 a.m. The Chair reported that no actions were conducted during executive session.

VIII. New Business (continued):

Three Managers reported the status of their respective departments with the Board:

Human Resources Department Manager LaCretia Dandridge discussed the personnel and the function of the Human Resources Department.

Registration Department Manager Jim Carli discussed the personnel and the function of the Registration Department.

Audra Lewicki, Manager of the Community Services Division, discussed the personnel and the function of the Community Services Division.

XIII. Adjournment: Commissioner Kresse moved to adjourn. Commissioner Swain seconded the motion. The Board voted unanimously to adjourn. The meeting was adjourned at 11:52 a.m.

Submitted,

A handwritten signature in black ink, appearing to read "William J. Kresse", with a long horizontal flourish extending to the right.

Commissioner William J. Kresse  
Secretary